



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



## Biweekly Report - Period Ending November 11, 1995

### **NanTom Services v. DOC**

NanTom's protest at the GAO against the cancellation of an Invitation for Bid for NWS weather observation services has been dismissed as untimely. Companion bid protest (B-270046.2 and B-270047.2) filed by another bidder (Educational Technologies) was also dismissed on the same basis. Protestors were immediately informed of the cancellation, however, protests were filed more than two weeks after the notice was provided. Lisa Obayashi had the case.

### **Aspen Helicopters v. DOC**

In this appeal alleging damages due to failure to exercise an option to lease an aircraft to perform NMFS surveys, we have received Appellant's objections to our initial round of discovery requests. We intend to try to resolve the objections without resort to a Motion to Compel. We are also working with the Contracting Office to respond to Aspen's rather voluminous initial discovery filing. Mark Langstein has the case.

### **NOAA 13 Recovery**

Roxie Jones attended the NASA-NOAA meeting at which NASA program officials presented \$2.6M as the cost owed by Martin Marietta Aerospace Systems

(MMAS) for part replacement and related Government expenses incurred because of the NOAA-13 satellite failure. NASA reported that MMAS disagrees with the NASA figure and refuses to acknowledge that the satellite suffered any defects. If further negotiations fail, NASA will issue a Government claim for the amount.

### **Fluor Daniel, Inc. Procurement**

Fluor Daniel has submitted a lengthy series of questions to the CASC Contracting Officer concerning both factual and legal issues relating to the recent demand letter seeking \$4 million in questioned costs. We are assisting the CO in formulating a response. In the next month we expect that a meeting will be held with Fluor's representatives to discuss the issues raised in the submittal. Fluor has indicated that it intends to submit a formal response to the demand letter in January.

We also provided NOAA's Procurements, Grants and Administrative Services Office with a legal opinion concerning GAO's May, 1995 opinion concerning inclusion of administrative costs towards the statutory limitation on design fees for construction projects. Fred Kopatich has the matter.

### **EASC Issues**

Jeff Hughes reviewed a proposed MOU between EASC and the Navy for procurement and financial management services to be performed by EASC. We noted that FASA renews the statutory requirement that EASC accept no more than its actual costs for these services, or a reasonable estimate of them.

### **Micro-Metric v. DOC**

CLD filed its discovery in this appeal of the denial of a termination for convenience claim. Discovery was received in response from counsel for Micro-Metric. Jeff Hughes has this GSBGA appeal.

### **AWIPS**

Roxie Jones attended the 3d AWIPS program review which also doubled as an overdue quarterly briefing to Diana Josephson. NWS and the AWIPS program office reported technical progress and manageable risks.

### **Paperless Contract Division Reports**

We will be experimenting distributing this report via e-mail in an Adobe Acrobat format. Acrobat readers for various platforms are available on the Web at <http://www.adobe.com/Software/Acrobat/> Let us know if you need a reader and can't access the Web.

### **Actions Completed/Received during Period**

	From 10/29/95	To 11/11/95
	Received	Completed
CENSUS	1	0
NIST	2	2
NOAA	11	4
O/S	2	1
PTO	1	2
Total	17	9

### **Contract Law Division—Client Workload Period Ending 11/11/95**

